

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-CR-00190-RJC-SCR**

UNITED STATES OF AMERICA,)
Plaintiff,)

v.)

DARRELL L. WITHERSPOON,)
Defendant,)

and)

HOWELLS MOTOR FREIGHT, INC.,)
Garnishee.)

**WRIT OF CONTINUING
GARNISHMENT**

TO GARNISHEE: HOWELLS MOTOR FREIGHT, INC.
ATTENTION: PAYROLL
P.O. BOX 12308
ROANOKE, VA 24024

An Application for a Writ of Continuing Garnishment against property of Defendant, Darrell L. Witherspoon, has been filed with this Court (Doc. No. 220). A judgment was entered against Defendant on August 10, 2005 (Doc. No. 107). The Clerk of Court current total of \$2,602,847.40, computed through January 7, 2025, is due and owing.

You, as the Garnishee, are required by law to answer in writing, under oath, within ten (10) days of service of this Writ, whether or not you have in your custody, control, or possession any property or funds owned by Defendant, including nonexempt, disposable earnings.

You must withhold and retain any property in which Defendant has a substantial nonexempt interest and for which you are or may become indebted to Defendant pending further order of the Court. This means that you should withhold twenty-five percent (25%) of Defendant's disposable earnings which remain after all deductions required by law have been withheld, or the

amount by which Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage, whichever is less. See 15 U.S.C. § 1673(a).

Please state whether or not you anticipate paying Defendant any future payments and whether such payments are weekly, bi-weekly, monthly, annually, or bi-annually.

You must file the original written Answer to this Writ within ten (10) days of your receipt of this Writ with the following office:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

Additionally, **you are required by law to serve a copy of the Answer upon Defendant** at Defendant's last known address:

Darrell L. Witherspoon
XXXXXXXXXX
Charlotte, North Carolina XXXXX

You are also required to serve a copy of the Answer upon the United States at the following address:

Financial Litigation Unit
United States Attorney's Office
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202

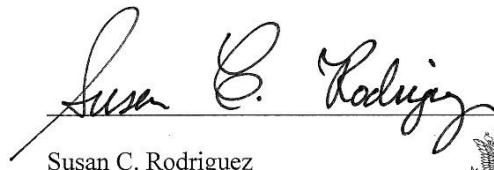
Under the law, there is property which may be exempt from this Writ of Garnishment. Property which is exempt and which is not subject to this order may be listed on the form, entitled "Claim for Exemption."

Pursuant to 15 U.S.C. § 1674, you, the Garnishee, are prohibited from discharging Defendant from employment by reason of the fact that his or her earnings have been subject to garnishment for any one indebtedness.

Pursuant to 28 U.S.C. § 3205(c)(6), if you fail to answer this Writ or withhold property or funds in accordance with this Writ, the United States Government may petition the Court for an order requiring you to appear before the Court to answer the Writ and to withhold property before the appearance date. If you fail to appear, or do appear and fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of Defendant's nonexempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified. It is unlawful to pay or deliver to Defendant any item attached by this Writ.

SO ORDERED.

Signed: January 7, 2025


Susan C. Rodriguez
United States Magistrate Judge

